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|  <p style="text-align: center;"><b>Council<br/>Communication</b><br/>Office of the City Manager</p> | <b>Date:</b>             | April 23, 2018                                  |
|  | <b>Agenda Item No.</b>   | <b>59</b>                                       |
|  | <b>Roll Call No.</b>     | <b><u>18-0730</u></b>                           |
|  | <b>Communication No.</b> | <b><u>18-209</u></b>                            |
|  | <b>Submitted by:</b>     | <b>Steven L. Naber, P.E.,<br/>City Engineer</b> |

**AGENDA HEADING:**

Hold hearing for conveyance of permanent easements on City-owned property located north of and adjoining 440 East Grand Avenue to RE3, LLC for \$350.

**SYNOPSIS:**

Recommend approval of the conveyance of a Permanent Easement for Building Encroachment, a Permanent Easement for Building Setback, and a Non-Exclusive Permanent Easement for Ingress and Egress in a portion of City-owned vacated alley located north of and adjoining 440 East Grand Avenue, Des Moines, Iowa, to RE3, LLC, Tim Rypma, Member, 512-1/2 East Grand Avenue, Suite 203, Des Moines, IA 50309, for \$350. This action is required by Iowa law prior to making a final determination on the proposed sale by resolution.

These easements will allow for the permanent encroachment of a concrete stoop into the vacated alley; will create an artificial property line with a minimum 10-foot separation distance between the improvements located on 440 East Grand Avenue and any future improvements constructed on the property located north of and adjoining the vacated alley; and will allow emergency exit from the rear of the improvements located at 440 East Grand Avenue. There is no current or anticipated public need for the easement areas to be conveyed, and the City will not be inconvenienced by such conveyance.

**FISCAL IMPACT:**

Amount: \$350 (Revenue).

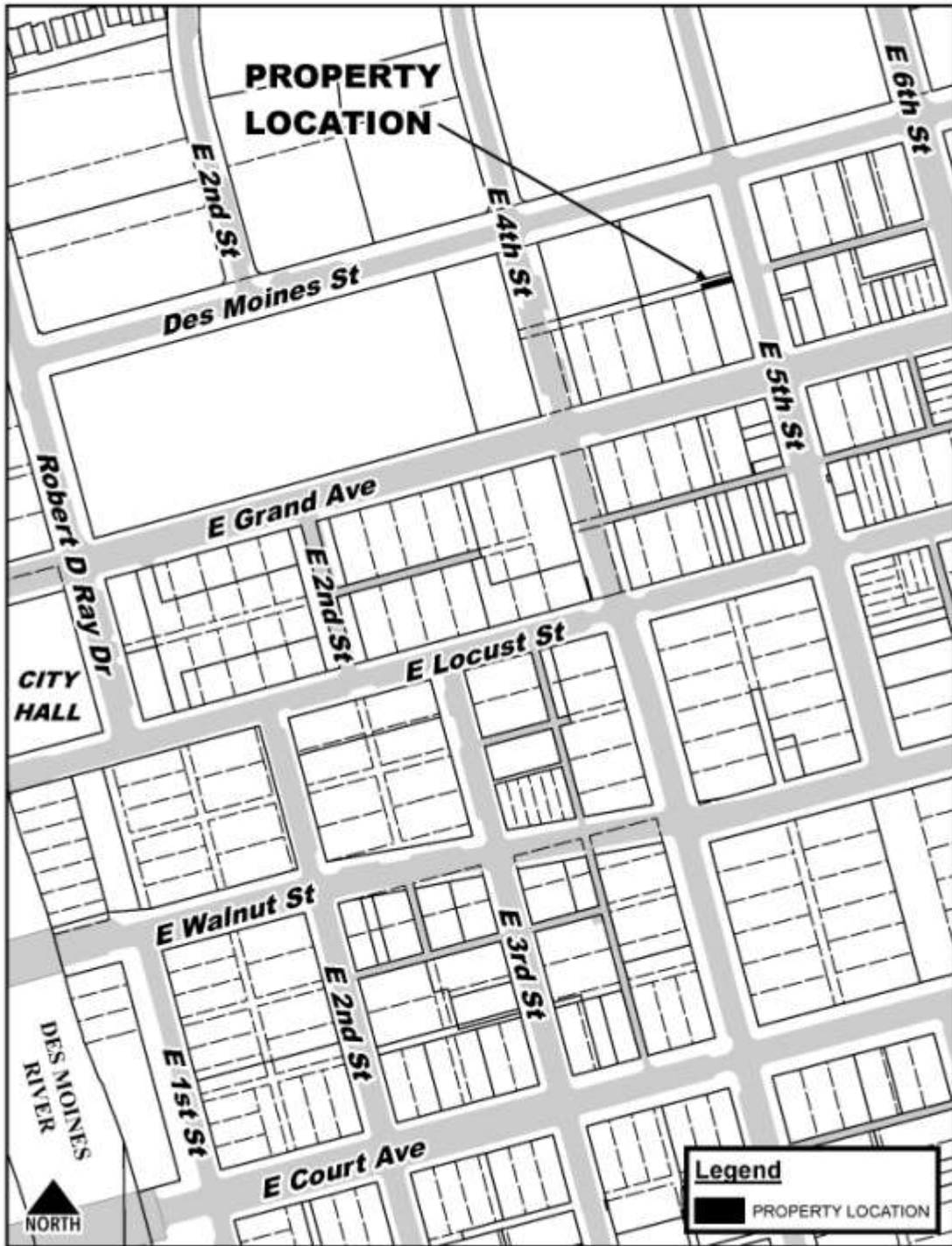
Funding Source: Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

**ADDITIONAL INFORMATION:**

- On February 23, 2004, by Roll Call No. 04-418, the City Council of the City of Des Moines, Iowa, passed Ordinance No. 14,320 vacating the east-west alley right-of-way in the block bounded by East Grand Avenue and Des Moines Street and by East 4th Street and East 5th Street, and adjoining 440 East Grand Avenue, Des Moines, Iowa.
- RE3, LLC is the owner of the adjoining property at 440 East Grand Avenue and has offered to the City the purchase price of \$350 for the purchase of a Permanent Easement for Building Encroachment, a Permanent Easement for Building Setback, and a Non-Exclusive Permanent Easement for Ingress and Egress in the vacated east-west alley located north of and adjoining

its property. RE3, LLC is rehabilitating the building at 440 East Grand Avenue and the easements are needed in order to satisfy building and fire code regulations.

- The building encroachment easement area to be conveyed consists of approximately 25 square feet. The building setback easement area to be conveyed consists of approximately 600 square feet. The ingress-egress easement area to be conveyed consists of approximately 600 square feet. The purchase price of \$350 reflects the restricted-use fair market value of the easements, as determined by the City's Real Estate Division.



**PREVIOUS COUNCIL ACTION(S):**

Date: April 9, 2018

Roll Call Number: [18-0570](#)

Action: [On](#) conveyance of permanent easements on City-owned property north of and adjoining 440 E. Grand Avenue to RE3, LLC, \$350, (4-23-18). Moved by Gatto to adopt. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the first floor of City Hall, 400 Robert D Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org).